

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

PFLAG, INC., et al.,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States, et al.,

Defendants.

Civil Action No. BAH-25-337

**PLAINTIFFS' EMERGENCY MOTION FOR A
TEMPORARY RESTRAINING ORDER**

Plaintiffs PFLAG, Inc. and GLMA: Health Professionals Advancing LGBTQ+ Equality (“GLMA”) (collectively, the “Member Organization Plaintiffs”); Gabe Goe, by and through his parent and next friend George Goe; George Goe; Bella Boe, by and through her parent and next friend Bruce Boe; Bruce Boe; Cameron Coe, by and through their parent and next friend Claire Coe; Claire Coe; Robert Roe, by and through his parent and next friend Rachel Roe; Rachel Roe; W.G., by and through her parent and next friend Kristen Chapman; Kristen Chapman; Lawrence Loe; and Dylan Doe (collectively, the “Individual Plaintiffs”) hereby move the Court, pursuant to Federal Rule of Civil Procedure 65, for the issuance of an order temporarily restraining Defendants U.S. Department of Health and Human Services (“HHS”); Dorothy A. Fink, in her official capacity as Acting Secretary of HHS; the Health Resources and Services Administration (“HRSA”); Diana Espinosa, in her official capacity as Principal Deputy Administrator of HRSA; the National Institutes of Health (“NIH”); Matthew J. Memoli, in his official capacity as Acting NIH Director, any subagencies of Defendant HHS, their officers, agents, successors, servants, employees, and attorneys, and any other persons who are in active concert or participation with them, from

implementing, enforcing, or applying the directive in Section 3(g) of Executive Order 14,168, *Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government*, 90 Fed. Reg. 8,615 (Jan. 20, 2025), that “[f]ederal funds shall not be used to promote gender ideology” and directing all federal agencies to “assess grant conditions and grantee preferences and ensure grant funds do not promote gender ideology” (the “Gender Identity Order”); from implementing, enforcing, or applying Section 4 of Executive Order 14,187, *Protecting Children from Chemical and Surgical Mutilation*, 90 Fed. Reg. 8,771 (Jan. 28, 2025), that all federal agencies “immediately take appropriate steps to ensure that institutions receiving Federal research or education grants end” gender affirming medical care for people under nineteen (the “Denial of Care Order”); or otherwise conditioning or withholding federal funding based on the fact that a healthcare entity or health professional provides gender affirming medical care to a patient under nineteen, including any healthcare institution from which the Individual Plaintiffs, members of Plaintiff PFLAG, and patients of health professional members of GLMA receive gender affirming medical care, or at which health professional members of Plaintiff GLMA conduct federally-funded work.

As Plaintiffs discuss in greater detail in their Memorandum in Support of Plaintiffs’ Emergency Motion for a Temporary Restraining Order, the Denial of Care and Gender Identity Orders are unconstitutional and unlawful.

The grounds for this motion are set forth in the attached memorandum of law and accompanying exhibits.

Date: February 5, 2025

Joshua Block*
Harper Seldin*
Chase Strangio*
Alexandra R. Johnson*
**American Civil Liberties Union
Foundation**
125 Broad Street, Floor 18
New York, NY 10004
Telephone: (212) 549-2500
Facsimile: (212) 549-2650
jblock@aclu.org
hseldin@aclu.org
cstrangio@aclu.org
a.johnson@aclu.org

Deborah A. Jeon (Fed. Bar No. 06905)
Zoe M. Ginsberg (Fed. Bar No. 30727)
**American Civil Liberties Union
Foundation of Maryland**
3600 Clipper Mill Road, Suite 200
Baltimore, MD 21211
Telephone: (410) 889-8555
Facsimile: (410) 366-7838
jeon@aclu-md.org
zginsberg@aclu-md.org

Laura J. Edelstein*
Kai N. Galindo**
Jenner & Block LLP
525 Market Street, 29th Floor
San Francisco, CA 94105
Telephone: (628) 267-6800
Facsimile: (628) 267-6859
LEdelstein@jenner.com
KGalindo@jenner.com

Madeleine V. Findley**
Zachary B. Cohen (Fed. Bar No. 20159)
Mary-Claire Spurgin**
Jenner & Block LLP
1099 New York Avenue, NW, Suite 900
Washington, DC 20001
Telephone: (202) 639-6000
Facsimile: (202) 639-6066

Respectfully submitted,

/s/ Zachary B. Cohen

Omar Gonzalez-Pagan**
Jennifer C. Pizer**
**Lambda Legal Defense
and Education Fund, Inc.**
120 Wall Street, 19th Floor
New York, NY 10005
Telephone: (212) 809-8585
Facsimile: (855) 535-2236
ogonzalez-pagan@lambdalegal.org
jpizer@lambdalegal.org

Karen L. Loewy**
**Lambda Legal Defense
and Education Fund, Inc.**
815 16th Street NW, Suite 4140
Washington, DC 20006
Telephone: (202) 804-6245
Facsimile: (855) 535-2236
kloewy@lambdalegal.org

Nora Huppert**
**Lambda Legal Defense
and Education Fund, Inc.**
65 E. Wacker Place, Suite 2000
Chicago, IL 60601
Telephone: (312) 605-3233
Facsimile: (855) 535-2236
nhuppert@lambdalegal.org

Catherine E. Stetson***
Danielle Desaulniers Stempel (Fed. Bar No.
20501, Renewed 1/31/25)
Kristina Alekseyeva**
Sam H. Zwingli**
Hogan Lovells US LLP
555 13th Street, N.W.
Washington, D.C. 20004
Telephone: (202) 637-5491
Facsimile: (202) 637-5910
cate.stetson@hoganlovells.com
danielle.stempel@hoganlovells.com
kristina.alekseyeva@hoganlovells.com

MFindley@jenner.com
MSpurgin@jenner.com

Jocelyn A. Sitton**
Lillian M. McGuire**
Rebecca M. Diamond**
Jenner & Block LLP
353 N. Clark Street
Chicago, IL 60654
Telephone: (312) 222-9350
Facsimile: (312) 527-0484
JSitton@jenner.com
LMcGuire@jenner.com
RDiamond@jenner.com

sam.zwingli@hoganlovells.com

Jackson Skeen****
Hogan Lovells US LLP
125 High Street
Suite 2010
Boston, MA 02110
Telephone: (617) 702-7747
Facsimile: (617) 371-1037
jackson.skeen@hoganlovells.com

Attorneys for Plaintiffs

**Application for admission pro hac vice granted.*

*** Application for admission pro hac vice pending.*

****Application for admission or admission pro hac vice forthcoming.*

*****Application for admission pro hac vice pending and admitted only in D.C. Supervised by principals of the firm admitted in Massachusetts.*

CERTIFICATE OF SERVICE

I hereby certify that this motion, the attached memorandum of law, attached exhibits, and proposed order will be served concurrently with the service of the Summonses and Complaint in this matter upon the following defendants by certified mail, return receipt requested:

DONALD J. TRUMP, in his official capacity as President of the United States
1600 Pennsylvania Ave. NW
Washington, DC 20220

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
200 Independence Ave. SW
Washington, DC 20201

DOROTHY A. FINK, in her official capacity as Acting Secretary of the U.S.
Department of Health and Human Services
200 Independence Ave. SW
Washington, DC 20201

HEALTH RESOURCES AND SERVICES ADMINISTRATION
5600 Fishers Lane
Rockville, MD 20857 (Montgomery County)

DIANA ESPINOSA, in her official capacity as Principal Deputy Administrator of the
Health Resources and Services Administration
5600 Fishers Lane
Rockville, MD 20857 (Montgomery County)

NATIONAL INSTITUTES OF HEALTH
9000 Rockville Pike
Bethesda, MD 20892 (Montgomery County)

MATTHEW J. MEMOLI, in his official capacity as Acting NIH Director
9000 Rockville Pike
Bethesda, MD 20892 (Montgomery County)

Dated: February 5, 2025

/s/ Zachary B. Cohen
Zachary B. Cohen